UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,146	05/04/1999	GEORGE V. GUYAN	AND1P069	1663

28164	7590	11/13/2003		

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EXAMINER
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ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>22 and 41-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>22 and 41-56</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>21</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Claim 55 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 55: It is not clear whether the "statistical model", the "specific information" or both are stored in the claims folders.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22 and 41-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuler et al. (U.S. Patent 5,855,055).

Claim 22: Schuler et al. discloses a server component (208). The server component includes a task engine application program, which is the software which operates and controls the server (208). The internal processor of the server is the claimed "event processor". A data component (database 206) resides on the server component (208). FIGS. 4A-4G illustrate a data structure for the database, where each block of information is a data entity. The claim folder is an insurance policy (col. 5, line 5). The claim folder is decomposed into the data entities (such as 402, 406, 410) and each data entity reads as one of the claimed "levels" of the claim folder. Data entity (402) is the policy level. The data entity marked "Subcontractor Payments" in FIG. 4F is the claim level. The data entity marked "insured" in FIG. 4A reads as the participant level.

The data entity marked "Vehicle Schedule" in FIG. 4C reads as the line level. The data is arranged in a structured format, as seen by FIGS. 4A-4G.

The event processor (server processor) interacts with the data component (database) to identify data, the appropriate system to handle the data and transmission of that appropriate data to the identified system. An example of these steps being performed is provided by a review of FIGS. 1 and 21. In FIG. 1, the user interacts with the computer system to identify a data event, such as an audit (114). The system then identifies the appropriate component to handle a portion of the data event (system identifies underwriter's client computer as being designated to receive a report as seen by step 138). The system then transmits the data to the identified component (In FIG. 21, the Notice to Underwriter is sent to the Underwriter's client computer).

Claims 41-46, 52-54 and 56: Each of these claims is limited only to specific types of information displayed from a claimed folder. The information displayed is considered non-functional descriptive material, since it is merely data drawn from storage folders, and does not alter the functioning of the computer system. (*In re Gulack* 217 USPQ 401 (Fed. Cir. 1983) *"Printed matter that is not functionally related to substrate does not distinguish invention from prior art in terms of patentability; although printed matter must be considered, in that situation, it may not be entitled to patentable weight).* Also see MPEP 2106, which states: *"When descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability."*

Claim 47: Any of the individual data elements in the line level (Vehicle Schedule) can be read as the claimed "negotiation component". The exact nature and content of the negotiation component is not claimed.

Claim 48: A client component (client computer 210 in FIG. 3) is in communication with the server component (server 208) and is configured to provide any of the information in the claim folder.

Claim 49: The client component is a user interface that displays information in response to communication with a server.

Claim 50: The client component (210) allows a user to retrieve information or add information to the claim folder (insurance policy).

Claim 51: The data component is a database, and as such, allows a user of the system to search for and retrieve information for any of the levels in the claims folder (insurance policy).

Claim 55: The "totaling means" set forth in claim 1, part (c) of Schuler et al. reads as the claimed statistical model. No patentable weight is attributable to the intended usage of the model in the system (See MPEP 2106, Section C).

Remarks

Applicant's arguments have been considered. In consideration of the prior art reference to Schuler et al., applicant argues that Schuler et al. fails to disclose a processor which identifies data events, identifies an appropriate system to handle the events and transmits the events to the identified system. Examiner maintains that Schuler et al. discloses each of these three features. The second paragraph of the explanation associated with claim 22 in this office action provides a specific example illustrated by Schuler et al. which teaches these features.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at

telephone number (703) 306-5626.

Sam   Rimell
Primary Examiner
Art Unit 2175